

Message Text

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PAGE 01 BONN 02774 01 OF 02 182004Z

15

ACTION EUR-12

INFO OCT-01 ISO-00 IO-11 EB-07 SAJ-01 CIAE-00 DODE-00

PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 ACDA-05 /083 W

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R 181928Z FEB 76

FM AMEMBASSY BONN

TO USMISSION USBERLIN

USMISSION EC BRUSSELS

INFO SECSTATE WASHDC 6561

AMEMBASSY BERLIN

AMEMBASSY MOSCOW

AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 02774

E.O. 11652: GDS

TAGS: PFOR PGOV EEC WB GW UK US FR

SUBJECT: BERLIN AND DIRECT ELECTIONS TO THE EUROPEAN
PARLIAMENT

REFS: (A) STATE 299354 DEC 75; (B) SECTO 24035 DEC 75

BEGIN SUMMARY: THE FRG BONN GROUP REP HAS TABLED FOR
ALLIED CONSIDERATION A BERLIN CLAUSE WHICH WOULD BE
APPENDED TO THE CONVENTION ON DIRECT ELECTIONS AND WOULD
PROVIDE FOR THE ELECTION OF REPRESENTATIVES FROM BERLIN
BY THE BERLIN HOUSE OF REPRESENTATIVES. WE WOULD
APPRECIATE VIEWS FROM USBER ON THE GERMAN DRAFT AND
INFORMATION FROM USEC AS TO WHETHER WE HOLD THE MOST
RECENT VERSION OF THE PATIJN DRAFT CONVENTION.
END SUMMARY.

1. FOLLOWING UP ON DECISIONS TAKEN AT THE BRUSSELS
QUADRIPARTITE MEETINGS, THE FRG HAS OPENED
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PAGE 02 BONN 02774 01 OF 02 182004Z

CONSULTATIONS IN THE BONN GROUP ON MODALITIES FOR PER-

MITTING BERLIN TO BE REPRESENTED IN A DIRECTLY-ELECTED EUROPEAN PARLIAMENT. AT THE FEBRUARY 17 BONN GROUP MEETING, THE FRG REP (HENZE) DISTRIBUTED FOR ALLIED CONSIDERATION THE TEXT OF A BERLIN CLAUSE WHICH THE FRG WOULD APPEND TO THE EC CONVENTION ON DIRECT . ELECTIONS.

2. THE PROPOSED BERLIN PASSAGE (A TRANSLATION OF WHICH FOLLOWS IN PARA 5) CONTAINS TWO ELEMENTS: A ROUTINE STATEMENT THAT THE CONVENTION ON DIRECT ELECTIONS APPLIES ALSO TO LAND BERLIN, FOLLOWED BY A STATEMENT THAT, IN CONSIDERATION OF ALLIED RIGHTS AND RESPONSIBILITIES, THOSE REPRESENTATIVES APPORTIONED TO THE FRG WHO ARE TO BE ELECTED IN BERLIN WILL BE ELECTED BY THE BERLIN HOUSE OF REPRESENTATIVES.

3. HENZE SAID THERE WAS NO FIRM FRG VIEW ON WHEN THIS PASSAGE WOULD BE JOINED TO THE DRAFT CONVENTION. THE FRG WOULD WISH TO INFORM OTHER EC MEMBERS AT THE APRIL 1 EUROPEAN COUNCIL MEETING OF ITS INTENTION TO EXTEND THE CONVENTION TO BERLIN WITH THE NECESSARY RESERVATIONS, BUT THE ACTUAL BERLIN PASSAGE COULD BE APPENDED EITHER AT TIME OF SIGNATURE OR AT TIME OF DEPOSIT OF INSTRUMENTS OF RATIFICATION. HE STRESSED THAT THE FRG WISHED TO GIVE THE ALLIES AMPLE TIME FOR CONSIDERATION AND WAS ATTACHING NO DEADLINE.

4. ASKED WHETHER REFERENCE TO THE HOUSE OF REPRESENTATIVES MEANT THE FRG HAD CONSIDERED AND ABANDONED OTHER POSSIBLE MODALITIES, HENZE SAID THE GERMANS HAD CHOSEN THAT METHOD BECAUSE THEY THOUGHT IT REPRESENTED ALLIED WISHES. BOTH US AND UK REPS POINTED OUT THAT THE ALLIES HAD NOT REACHED ANY CONCLUSIONS ON MODALITIES AND HAD BEEN AWAITING FRG PROPOSALS. THEY ALSO NOTED THAT

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PAGE 01 BONN 02774 02 OF 02 182000Z

15
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C O N F I D E N T I A L SECTION 02 OF 02 BONN 02774

MODALITIES OF CHOOSING BERLINERS WAS ONLY ONE ASPECT OF THE PROBLEM, AND THAT CONSULTATIONS WOULD NEED TO ENCOMPASS ALSO THE QUESTION OF POWERS AND VOTING RIGHTS. HENZE DEMURRED, NOTING THAT THE CONVENTION ON DIRECT ELECTIONS WOULD SAY NOTHING ABOUT COMPETENCE OF THE PARLIAMENT OR POWERS OF REPRESENTATIVES.

5. TEXT OF PROPOSED BERLIN PASSAGE FOLLOWS:

BEGIN TEXT

THE GOVERNMENT OF THE FRG DECLARES THAT THE CONVENTION INTRODUCING ELECTIONS TO THE EUROPEAN PARLIAMENT BY DIRECT UNIVERSAL SUFFRAGE ALSO APPLIES IN LAND BERLIN.

IN CONSIDERATION OF THE EXISTING RIGHTS AND RESPONSIBILITIES OF FRANCE, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA, THOSE REPRESENTATIVES TO THE EUROPEAN PARLIAMENT APPORTIONED TO THE FEDERAL REPUBLIC OF GERMANY WHO ARE TO BE ELECTED IN LAND BERLIN WILL BE ELECTED BY THE BERLIN HOUSE OF REPRESENTATIVES.

CONFIDENTIAL

PAGE 02 BONN 02774 02 OF 02 182000Z

END TEXT.

6. COMMENT. WHILE HAVING BERLINERS "ELECTED" BY THE HOUSE OF REPRESENTATIVES MAY BE THE MOST LOGICAL SOLUTION, GIVEN THE CLOSE PARALLEL TO THE PROCEDURE FOR

SENDING BERLINERS TO THE BUNDESTAG, THE GERMAN DRAFT OBVIATES DISCUSSION OF OTHER POSSIBLE MODALITIES UNLESS ONE OF THE ALLIES WISHES TO RAISE AN ALTERNATIVE METHOD FOR CONSIDERATION. WE WILL CONSULT ON THE GERMAN DRAFT TRIPARTITELY HERE AND WOULD MEANWHILE WELCOME VIEWS FROM USBER.

7. ANOTHER POINT FOR CONSIDERATION IS WHETHER THE AK WILL NEED TO EXPRESS RESERVATIONS ADDITIONAL TO THOSE IN THE BERLIN CLAUSE. IN RESPONSE TO QUESTIONING HENZE CONFIRMED THAT, IN ESSENCE, PARAGRAPH TWO OF THE PROPOSED BERLIN PASSAGE WOULD MEAN THAT THE CONVENTION WHICH WAS TO BE APPLIED IN BERLIN WOULD BE DIFFERENT FROM THE CONVENTION THAT WOULD APPLY TO THE FRG. THIS SUGGESTS THAT THE FRG IS ITSELF PREPARED TO IMPOSE SUFFICIENT RESERVATIONS IN THE BERLIN CLAUSE (BECAUSE OF THE NEED FOR OBTAINING THE AGREEMENT OF THE OTHER EC MEMBERS TO THE DIFFERENT REGIME FOR BERLIN) THAT THE AK COULD APPROVE ITS EXTENSION TO BERLIN WITHOUT IMPOSING RESERVATIONS OF ITS OWN. OUR PRELIMINARY VIEW IS THAT A BK/O OR BK/L MAY STILL BE POLITICALLY DESIRABLE SO THAT THE FRG BERLIN RESERVATION IS GIVEN AN EXPRESS ALLIED STAMP OF APPROVAL, AND NOT JUST APPROVED BY SILENCE. USBER MAY ALSO WISH TO COMMENT ON THIS ASPECT.

8. ANOTHER QUESTION IS WHETHER ANY RESERVATIONS WILL BE NEEDED OTHER THAN THIS ONE ON METHOD OF ELECTION. WORTH CONSIDERING IN PARTICULAR IS ARTICLE 4 OF THE PATIJN DRAFT, WHICH PROVIDES THAT REPRESENTATIVES

CONFIDENTIAL

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PAGE 03 BONN 02774 02 OF 02 182000Z

"SHALL VOTE ON AN INDIVIDUAL AND PERSONAL BASIS" AND "SHALL ACCEPT NEITHER INSTRUCTIONS NOR ANY BINDING MANDATE." OUR PRESENT THOUGHT IS THAT, IF IT SHOULD BE DETERMINED THAT BERLINERS MAY NOT BE PERMITTED TO VOTE ON CERTAIN TYPES OF ISSUES, THE AK WOULD ACHIEVE THAT RESULT BY MEANS OTHER THAN A RESERVATION TO ARTICLE 4. WHILE THAT ARTICLE WOULD PROHIBIT INSTRUCTIONS ON HOW TO VOTE ON A GIVEN ISSUE, IT WOULD NOT NECESSARILY PRECLUDE A BAN ON VOTING ALTOGETHER ON THAT ISSUE. ARTICLE L4, WHICH IS ANALAGOUS TO ARTICLE 235 OF THE EEC TREATY, WILL ALSO NEED TO BE STUDIED CAREFULLY.

9. FOR USEC: AS AN AID TO OUR STUDY, WE WOULD APPRECIATE ADVICE AS TO WHETHER THERE HAVE BEEN ANY AMENDMENTS TO THE PATIJN DRAFT SUBSEQUENT TO THE VERSION OF 13 JANUARY 1975 (DOCUMENT 368/74).

HILLENBRAND

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